

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable James O. Browning

CASE NO. CIV 12-257 JB/LFG

DATE: 6/15/12

TITLE: *SEC v. Goldstone et al.*,

COURTROOM CLERK: J. Gonzales

COURT REPORTER: N/A

COURT IN SESSION: FTR-Vermejo- 8:57 a.m.

COURT IN RECESS: FTR-Vermejo- 9:30 a.m.

TYPE OF PROCEEDING: Initial Scheduling Conference

COURT'S RULINGS/DISPOSITION: see below

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Scheduling Order to be entered by Court

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Stephen McKenna, Gregory Kasper

Andrew Schultz, Robert Liubicic, Randall Lee,

Jerry Marks

PROCEEDINGS:

Court in Session: FTR-Vermejo-8:51 a.m.

Court: Calls case. Counsel enter appearances.

Court: Have reviewed PDP/JSR. Anything counsel wish to tell Court about case that might impact on scheduling?

Mr. Lee: All defendants' have filed motions to dismiss.

Court: Will set date for motion hearing before end of hearing - queries counsel re: settlement conference.

Counsel indicate settlement conference not necessary at this time.

Court: Queries counsel re: status conference on 8/1/13, at the hearing Court would set scheduling deadlines.

Mr. Lee: Date of 8/1/13 is to late, proposes late January.

Court: Will set status conference 1/7/13 at 9:00 a.m. - proposes 7/26/12 for hearing on motions

to dismiss.

Mr. McKenna: Has conflict proposes week after 7/26/12.

Court: Proposes 7/30/12 at 9:00 a.m.

Counsel indicate 7/30/12 at 9:00 a.m. is a good date/time for hearing on motions to dismiss.

Court: Sets forth deadlines to be contained in 1st scheduling order, explains how handles discovery, if file early motions call CRD for hearing ASAP, suggests but does not required pre-motion conferences, if need deadline for *Daubert* motions call CRD - like to have *Daubert* issues resolved before trial.

Mr. McKenna: Asks about *Daubert* deadline.

Mr. Lee: Suggests 30 days after expert discovery cutoff.

Mr. McKenna: Counters with 45 days.

Mr. Lee: No objection.

Court: *Daubert* deadline 45 days after expert discovery cutoff - Proposes cutting interrogatories to 15.

Counsel indicate 15 is fine.

Court: Proposes RFA limit of 25.

Counsel indicate 25 is fine.

Court: Anything further?

Counsel indicate nothing further.

Court in recess.

FTR-Vermejo- 9:30 a.m.